

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE DENTISTRY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :

DONALD LEWANDOWSKI, D.D.S., :  
RESPONDENT. :

ORDER

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To: Michael O. Bohren  
Attorney at Law  
10401 West Lincoln Avenue  
Milwaukee, Wisconsin 53227

Pamela M. Stach  
Attorney at Law  
1400 East Washington Avenue, Room 183  
P.O. Box 8936  
Madison, Wisconsin 53708

On July 13, 1983 Ms. Stach filed her Motion to Compel Discovery, Motion in Limine, and Motion for an Order establishing minimum notice requirements. A hearing on those motions was held on July 26, 1983. Participating were Ms. Stach, Mr. Bohren and the hearing examiner.

1. Ms. Stach's Motion to Compel Discovery sought an order requiring respondent to appear for deposition by oral examination on July 28, 1983. Mr. Bohren did not oppose the Motion to Compel Discovery, but indicated his schedule precluded conducting the deposition on July 28. The parties thereupon agreed to conduct the deposition on Wednesday, August 24, 1983, commencing at 1:00 p.m. The Motion additionally requested an order prohibiting introduction of respondent's evidence upon refusal to comply with the Order Compelling Discovery. The examiner reserved his ruling as to that portion of the Motion. Based upon the foregoing:

IT IS HEREBY ORDERED that respondent shall appear for deposition by oral examination at 1:00 p.m. on August 24, 1983, at 819 North Sixth Street, Milwaukee, Wisconsin at a room to be later designated.

2. Complainant's Motion in Limine sought to suppress any evidence arising from the depositions by oral examination of twelve Milwaukee area pharmacists. Mr. Bohren indicated that evidence received at such depositions consisted of 7 prescriptions and the authenticating testimony of the affected pharmacists. It was stipulated that Mr. Bohren would submit to Ms. Stach the 7 prescriptions along with the prescriptions referred to in the examiner's Order dated July 18, 1983. Mr. Bohren also agreed to expedite transcription of the oral testimony taken at the depositions in question in an attempt to gain receipt of the transcript by August 5, 1983. Based upon the stipulation, the examiner reserved ruling on complainant's motion and ordered as follows:

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Dept. of Reg. & Lic.  
Hearing Examiner

IT IS HEREBY ORDERED that respondent shall submit to attorney for complainant not later than July 28, 1983 prescriptions received into evidence at depositions of twelve pharmacists conducted on July 13, 1983. It is further ordered that attorney for respondent shall submit to attorney for complainant not later than August 12, 1983 transcripts of the July 13, 1983 depositions.

3. Ms. Stach's third motion sought an order establishing a minimum 5 day actual notice to opposing counsel of the taking of any further depositions by oral examination, and an order quashing any subpoenas issued in violation of such notice requirement. Mr. Bohren did not oppose the motion and, accordingly:

IT IS HEREBY ORDERED that the parties hereto shall provide to the opposing party at least 5 days actual notice of the taking of any further depositions by oral examination. Failure to provide such notice shall result in the quashing of affected subpoenas.

The parties are bound by this Order and the schedule established herein unless relieved therefrom by the hearing examiner.

Dated at Madison, Wisconsin this <sup>18<sup>th</sup></sup> day of <sup>August</sup> ~~July~~, 1983.

  
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Wayne R. Austin  
Hearing Examiner

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